UNITED STATES DISTRICT COURT DISTRICT OF NEVADA 3 Beau Maestas, Case No.: 2:18-cv-02434-JAD-PAL Petitioner **Order Granting in Part Application to** 4 Proceed In Forma Pauperis and 5 **Appointing Counsel** William Gittere, et al., 6 [ECF Nos 1, 4] 7 Respondents 8 9 Petitioner Beau Maestas was sentenced to death after pleading guilty to several charges 10 including first-degree murder. He now petitions for a writ of habeas corpus. I have reviewed 11 his petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and I find it worthy of service upon the respondents. Maestas also filed an application for leave to proceed in forma pauperis³ and requests 13 14 appointed counsel. His financial records show that he can pay the \$5.00 filing fee, so I decline 15 to waive the filing-fee requirement. It does appear, however, that Maestas lacks the resources 16 necessary to employ counsel for this capital habeas corpus action, so I grant him pauper status 17 for all other purposes in this case, and I appoint counsel to represent him. 18 Accordingly, IT IS HEREBY ORDERED that Maestas's application to proceed in forma pauperis [ECF No. 1] is GRANTED in part and DENIED in part. Maestas is granted leave to 20 21 ¹ Maestas v. State, 275 P.3d 74, 76 (2012). ² ECF No. 2. ³ ECF No. 1. ⁴ ECF No. 4.

proceed in forma pauperis in all respects other than payment of the filing fee, which has already 2 been paid. 3 IT IS FURTHER ORDERED that Maestas's motion for appointment of counsel [ECF No. 4] is GRANTED. The Federal Public Defender for the District of Nevada is appointed to represent Maestas. The Federal Public Defender will have until January 31, 2019, to file either a notice of appearance as counsel or a notice indicating its inability to represent Maestas in these 7 proceedings. The Clerk of Court is directed to electronically SERVE a copy of this order on the 8 Federal Public Defender for the District of Nevada. The Clerk of Court is also directed to **ADD Adam Paul Laxalt**, Attorney General of the State of Nevada, as counsel for respondents. 11 Finally, the Clerk of Court is directed to electronically SERVE upon respondents a copy of Maestas's petition (ECF Nos. 2/3) and a copy of this order. Respondents have until 13 January 31, 2019, to enter a notice of appearance, but no further action in this case is required until the Court orders otherwise. 14 15 Dated: December 28, 2018 16 U.S. District Judge Jennifer A. Dorsey 17 18 19 20 21 22 23